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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,813	01/23/2004	James Briggs	A2000-700219	5013
37462 7590 06/25/2007 LOWRIE, LANDO & ANASTASI RIVERFRONT OFFICE ONE MAIN STREET, ELEVENTH FLOOR CAMBRIDGE, MA 02142			EXAMINER LEA EDMONDS, LISA S	
			ART UNIT	PAPER NUMBER
			2835	
			MAIL DATE	DELIVERY MODE
			06/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/763,813

Applicant(s)

BRIGGS ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 33-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-32 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-14 and 16-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: 6/16/05, 5/08/06, 4/23/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of invention (group) I, claims 1-32 in the reply filed on 10 July 2006 is acknowledged.
2. Claims 33-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10 July 2006.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on 16 May 2005, 08 May 2006, and 23 April 2007 have been considered.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnson et al. (6462961). With respect to claims 1-3 and 15, Johnson et al. teaches an uninterruptible power supply (UPS) system comprising one or more flame components (124), of which a first flame component (124) is adapted to hold at least one of a plurality of modules including at least one power module and at least one battery module (see column 4 lines 64-67), the flame component (124) being capable of

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being installed as a stand alone unit or being installed as part of a rack-mounted system, wherein the UPS system includes a second frame component (124), the second frame component (124) being adaptively coupled to the first frame component (124) and being capable of holding one or more modules (see column 4 lines 64-67), wherein the second frame component (124) is adaptively coupled to the first frame component (124) by at least two support members (154) attached to respective side portions of the first frame component (124) and the second frame component (124), wherein the first frame component (124), if configured in a stand-alone unit, further comprises a plurality of covers, at least one of which is coupled to an exterior surface of the first frame component (124) as claimed, see for example figures 7-10.

***Allowable Subject Matter***

6. Claims 4-14 and 16-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: as to claims 4-14, patentability resides, at least in part, in the door component that is removably mounted to the front side of the UPS system in combination with the other limitations of the base claim(s); as to claim 16, patentability resides, at least in part, in the first frame component being capable of accepting at least one or more casters in combination with the other limitations of the base claim(s); as to claim 17, patentability resides, at least in part, in the battery module being capable of being installed in the first frame component in a first orientation, and the battery module being

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capable of being installed in the second frame component in a second orientation in combination with the other limitations of the base claim(s); as to claims 19-23, patentability resides, at least in part, in the support member being coupled to the rack and supporting, from underneath the first frame component in combination with the other limitations of the base claim(s).

8. Claims 24-32 are allowed.

9. The following is an examiner's statement of reasons for allowance: as to claims 24-33, patentability resides, at least in part, in the battery module of the one or more modular uninterruptible power supply (UPS) system units including at least two different frame types, each of which include a respective at least one frame portion in which the battery module is located, where the battery module is capable of being oriented in at least one of a plurality of orientations within the at least one frame portion of the two different frame types in combination with the other limitations of the base claim(s).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Simonelli et al. (6201319), Sato et al. (5940274), Miller (5801921), Young et al. (6018456), Gallagher et al. (6157534), Hobbs et al. (5684671), Vackar (6317348) and Winch et al. (6310783).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lisa Lea-Edmonds  
Primary Examiner  
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2007-06-21